

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

**DARSAN WANG,
Plaintiff,**

v.

Case No. 15-C-0591

**UNITED STATES OF AMERICA,
Defendant.**

ORDER

In May 2015, Darsan Wang, a former federal employee, commenced this lawsuit against the United States, alleging that the Office of Personnel Management made a mistake with respect to his life-insurance benefits. In November 2015, I granted the defendant's motion for summary judgment, concluding that the plaintiff had failed to exhaust his administrative remedies and therefore could not proceed on a claim under the Federal Tort Claims Act. I dismissed the case without prejudice so that the plaintiff could exhaust his administrative remedies and file a new lawsuit.

On April 19, 2016, the plaintiff filed a motion "for a new summary judgment." In this motion, the plaintiff asks me to reinstate the case. However, he does not clearly explain why he thinks the case should be reinstated. Perhaps the plaintiff means to seek relief under Federal Rule of Civil Procedure 60(b) from the final judgment. If that is so, however, the motion must be denied because the plaintiff has not identified any grounds that would justify such relief.

On the other hand, perhaps the plaintiff means to inform the court that, after the judgment dismissing this case was entered, he exhausted his administrative remedies, and that he believes he may now proceed with his claim on the merits. However, if that

is so, the plaintiff must file a new lawsuit. The present case has been dismissed, and judgment was entered. As discussed, none of the grounds for relieving a party from a final judgment are present. Thus, if the plaintiff believes that he has exhausted his administrative remedies, his only option is to file a new lawsuit.

Accordingly, **IT IS ORDERED** that the plaintiff's "motion for a new summary judgment" is **DENIED**.

Dated at Milwaukee, Wisconsin, this 1st day of June, 2016.

s/ Lynn Adelman

LYNN ADELMAN
District Judge